

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	)	
CHO et al.	)	Art Unit: 1647
Serial No.	10/587,371	)
Filed:	July 26, 2006	)
Title:	MODIFIED HUMAN FOUR HELICAL BUNDLE POLYPEPTIDES AND THEIR USES	)
	)	Examining Attorney: Shulamith H. SHAFER
	)	Confirmation No.: 1687

San Diego, California  
April 21, 2009

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir or Madam:

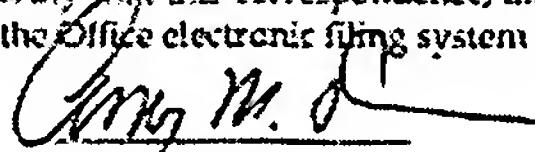
Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, and anything referred to as enclosed herein, is being transmitted to the United States Patent and Trademark Office via the Office electronic filing system in accordance with 37 CFR §1.6(a)(2) on the 21<sup>st</sup> day of April, 2009.

By:

  
Amy M. Sheridan

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

- In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.
- In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:
  - Statement in Accordance with §1.97(e) (attached); or
  - Please charge Deposit Account No. 50-3417 the fee of \$180.00 as set forth in §1.17(p).
- In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee and that it is accompanied by both:
  - Statement in Accordance with §1.97(e) (attached); and
  - Please charge Deposit Account No. 50-3417 the fee of \$180.00 as set forth in §1.17(p).

*Statement Under 37 CFR §1.704(d).* Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in §1.56(c) not more than thirty (30) days prior to the filing of this Information Disclosure Statement. This statement is made pursuant to the requirements of 37 CFR §1.704(d) to avoid reduction of the period of adjustment of the patent terms for Applicant(s) delay.

Pursuant to 37 CFR 1.98(a)(2), the content of the Information Disclosure Statement is as follows:

- Copies of each U.S. patent application publication and U.S. patent listed on the attached Form PTO/SB/08a are NOT included since the IDS is submitted for an application filed after June 30, 2003 or entered the national stage under 35 USC 371 after June 30, 2003 pursuant to 37 CFR § 1.98(a)(2)(i).
- Copies of the foreign patent documents and/or Non-Patent Literature listed on the attached Form PTO/SB/08a are enclosed herewith.

37 CFR 1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 CFR 1.98(a) are not provided herewith because:

- Pursuant to 37 CFR 1.98(d)(1) the information was previously submitted in an information disclosure statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120

Application in which information was submitted in \_\_\_\_\_;  
Information Disclosure Statement filed on \_\_\_\_\_.

AND

- The Information Disclosure Statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR 1.98:

There are no listed references which are not in the English language.

37 CFR 1.98(a)(3). This Information Disclosure Statement includes non-English language patents, patent publications and/or references.

Pursuant to 37 CFR 1.98(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith:

Pursuant to MPEP 609(B), an English-language copy of a foreign search report is submitted herewith to satisfy the requirements for a concise explanation;

OR

The relevance of those listed references which are not in the English language is as follows:

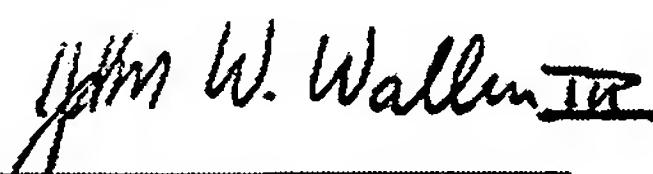
Pursuant to 37 CFR 1.98(3)(ii), attached are copies of written English-language translations of those listed non-English language references, or portions thereof, namely, English-language abstracts.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

The Commission is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-3417.

Respectfully submitted,

  
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